

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NESTOR DOMINGO,

Plaintiff,

No. C 11-5333 CRB (EDL)

v. ORDER REGARDING REQUEST FOR  
ASSISTANCE IN RESOLVING DISCOVERY  
ISSUES (DKT. #53)

PATRICK DONAHOE, et al.,

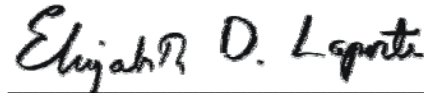
Defendant.

On November 8, 2012, Plaintiff filed a “request for assistance in resolving discovery disputes,” discussing Defendant’s responses to Plaintiff’s requests for production of documents. Dkt. # 53. Judge Breyer referred this case to this Court to resolve discovery disputes, and the Court ruled on Plaintiff’s pending motion for injunctive relief and to modify subpoenas. Defendant has now filed an opposition to Plaintiff’s request for assistance, arguing that the “request” should not be construed as a motion since it was not properly filed as a motion, there was no effort to meet and confer, and its discovery responses are adequate. Dkt. # 60. Plaintiff has filed a response to the opposition, requesting that he be excused from the requirement of Local Rule 1-5(n) that meet and confers be in person or over the phone because English is not his first language and oral communications deter rather than enhance dialogue in his case. Dkt. # 64.

Plaintiff’s initial request for assistance was not filed as a motion and Plaintiff’s response does not mention any inadequacies in Defendant’s document production. Therefore, it is unclear

1 whether there is still a live dispute about Defendant's document production. If there is still a  
2 dispute, Plaintiff may file a properly noticed motion detailing any perceived inadequacies in  
3 Defendant's discovery responses after engaging in appropriate meet and confer efforts with  
4 opposing counsel. The Court declines to excuse Plaintiff from the requirement that meet and confer  
5 efforts take place in person or over the phone. If Plaintiff finds that phone communications are  
6 difficult, he may request that Defendant meet and confer with him in person subject to both sides'  
7 availability. Plaintiff may also find it helpful to have a translator assist him during meet and confer  
8 discussions.

9  
10  
11 Dated: November 28, 2012



---

ELIZABETH D. LAPORTE  
United States Magistrate Judge